

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 29, 2003
SAN FRANCISCO, CALIFORNIA**

S026700

PEOPLE v. BROWN (ANDREW LAMONT)
Rehearing denied

On the court's own motion the opinion is
modified. No change in judgment.

S034110

PEOPLE v. CREW (MARK C.)
Rehearing denied

Opinion modified – no change in judgment.

Moreno, J., is of the opinion the petition should
be granted.

S103343/S103340

F034709 Fifth Appellate District
F034873

PEOPLE v. REYNOSO et al.
Rehearing denied

S118561

A093424 First Appellate District,
A093649 Division Three

KINSMAN v. UNOCAL CORPORATION
Petition for review granted (civil case)

Votes: George, C.J., Kennard, Baxter,
Werdegar & Moreno, JJ.

S109468

TOSCANO (ROSS) ON H.C.
OSC issued, returnable in Superior Court

The Director of Corrections is ordered to show
cause before the Butte County Superior Court,
when the matter is placed on calendar, why
counsel was not ineffective in failing to argue
the evidence was insufficient to prove that
petitioner's 1982 conviction for federal bank
robbery qualified as a serious felony under
Penal Code section 1192.7, subd.(c), and why
the true findings on the prior conviction
allegations under Penal Code section 667, subds.
(a)(1) and (b)-(i) should not be vacated. (See
People v. Jones (1999) 75 Cal.App.34th

616, 631-635; see also *People v. Rodriguez* (1998) 17 Cal.4th 253, 261-262.) The return is to be filed on or before December 1, 2003.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S104024

A092567 First Appellate District,
A096594 Division Four

PEOPLE v. CHICO

Dismissed per rule 29.3(b), and remanded to CA 1/4

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S104634

C036624 Third Appellate District

PEOPLE v. SCHLAGER

Dismissed per rule 29.3(b), and remanded to CA 3

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S109615

B152759 Second Appellate District,
Division Five

SOUKUP v. LAW OFFICES OF HAFIF

Transferred to CA 2/5 after hold

Review is dismissed, and the cause is transferred to the Court of Appeal, Second District, Division Five, with directions that the court reconsider its decision in light of *Jarrow Formulas, Inc. v. LaMarche* (2002) 31 Cal.4th 728, 741, and *Navellier v. Sletten* (2002) 29 Cal.4th 82, 94-95.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S111545

B154311 Second Appellate District,
Division Five

SOUKUP v. HAFIF

Transferred to CA 2/5 after hold

Review is dismissed, and the cause is transferred to the Court of Appeal, Second District, Division Five, with directions that the court reconsider its decision in light of *Jarrow*

Formulas, Inc. v. LaMarche (2002) 31 Cal.4th 728, 741, and *Navellier v. Sletten* (2002) 29 Cal.4th 82, 94-95.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S092757

BRANNER (WILLIE) ON H.C.
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied.

Each claim is denied on the merits.

Claim 24 is also denied, separately and independently, because it is not one that may be entertained on habeas corpus. (See *In re Harris* (1993) 5 Cal.4th 813, 830; *In re Clark* (1993) 5 Cal.4th 750, 767; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

The following claims are each procedurally barred, separately and independently, as untimely (see *In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark, supra*, 5 Cal.4th at pp. 763-799): Claims 1 through 43, 45, 46, 47, 48, 49 (to the extent that it involves the trial court's alleged error in instructing the jury with CALJIC No. 8.84.2 and alleged prosecutorial misconduct during voir dire and closing argument that the jury must return a death verdict if it found that aggravating circumstances outweighed mitigating circumstances), 50, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, and 69.

The following claims are each procedurally barred, separately and independently, as repetitive of a claim raised and rejected on appeal (see *In re Harris, supra*, 5 Cal.4th at pp. 824-829; *In re Waltreus* (1965) 62 Cal.2d 218, 225): Claims 19, 20, 21 (to the extent that it is predicated on the cruel and unusual punishments clause of the Eighth Amendment to the United States Constitution, applicable to the states through the due process clause of the Fourteenth Amendment), 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34 (to the extent that it involves

prosecutorial misconduct allegedly in commenting on the time and expense of a possible penalty-phase retrial, eliciting testimony from Officer Robert Siegel concerning an armed robbery in St. Louis, Missouri, and objecting to trial counsel's argument to imply that the coroner would have testified that the murder in question reflected an execution-style killing), 35 (to the extent that it involves prosecutorial misconduct allegedly in suggesting that failure to reach a unanimous penalty verdict would result in a retrial, arguing that the jury need not take personal responsibility for its penalty decision, insinuating that the coroner would have testified that the murder in question reflected an execution-style killing, and arguing that the absence of certain mitigating circumstances amounted to the presence of aggravating circumstances), 36, 37, 38, 39, 40 (to the extent that it is predicated on the Sixth Amendment's impartial jury clause, applicable to the states through the Fourteenth Amendment's due process clause, with regard to the exclusion of three prospective jurors), 41, 42, 43 (to the extent that it involves an assertedly guilt-prone jury and is predicated on the Sixth Amendment's impartial jury clause, applicable to the states through the Fourteenth Amendment's due process clause), 45, 46, 47 (to the extent that it involves the allegedly erroneous admission of evidence in violation of the Eighth Amendment's cruel and unusual punishments clause and the Fourteenth Amendment's due process clause), 48 (to the extent that it involves alleged instructional error under state law), 49 (to the extent that it involves the trial court's alleged instructional error regarding the jury's sentencing discretion in violation of the Eighth Amendment's cruel and unusual punishments clause and the Fourteenth Amendment's due process clause), 50 (to the extent that it involves the trial court's alleged error in failing to modify CALJIC No. 8.84.1 to delete inapplicable mitigating factors in violation of the Sixth, Eighth, and Fourteenth

Amendments; failing to instruct that a finding of reasonable belief in extenuation for the murder in question could be deemed a mitigating circumstance in violation of the Eighth and Fourteenth Amendments; failing to instruct against dual use of underlying crimes and double-counting of factors in aggravation in violation of the Eighth and Fourteenth Amendments; and failing to instruct on considering in mitigation any aspect of petitioner's character or record, in violation of the Eighth and Fourteenth Amendments), 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 67 (to the extent that it involves alleged cumulative error under state law).

The following claims are each procedurally barred, separately and independently, because they could have been, but were not, raised on appeal (see *In re Harris*, *supra*, 5 Cal.4th at p. 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759): Claims 21 (to the extent that it is predicated on the Sixth and Fourteenth Amendments), 22, 27, 35 (to the extent that it involves prosecutorial misconduct by allegedly attempting to shift the burden of establishing premeditation to petitioner and commenting on petitioner's failure to present evidence that the murder was not premeditated), 40 (to the extent that it refers to 11 prospective jurors in addition to the 3 prospective jurors considered on appeal (see *People v. Johnson* (1989) 47 Cal.3d 1194, 1223), 43 (to the extent that it involves alleged prosecutorial misconduct), 47 (to the extent that it involves alleged erroneous admission of evidence under the Sixth Amendment), 48 (to the extent that it is predicated on the Fifth, Sixth, Eighth, and Fourteenth Amendments), 49 (to the extent that it involves prosecutorial misconduct, in violation of the Fourteenth Amendment's due process clause or the Sixth Amendment, during voir dire allegedly in commenting that the jury must return a death verdict if it found that aggravating circumstances outweighed mitigating circumstances), 50 (to the extent that it involves the trial court's error allegedly in failing to

identify circumstances as mitigating or aggravating; failing to instruct that a finding of reasonable belief in extenuation for the murder in question could be deemed a mitigating circumstance, in violation of the Sixth Amendment; failing to instruct against dual use of underlying crimes and double-counting of factors in aggravation, in violation of the Sixth Amendment; and failing to instruct on considering in mitigation any aspect of petitioner's character or record in violation of the Sixth Amendment), and 67 (to the extent that it is predicated on the Fifth, Sixth, Eighth, and Fourteenth Amendments).

Brown, J., would deny all claims solely on the merits, except for Claim 24, which she would deny because it may not be entertained on habeas corpus.

Kennard, J., would issue an order to show cause as to Claim 2.

S094239

JONES (MICHAEL L.) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on January 8, 2001, is denied.

The following claims are denied on the ground that they were raised and rejected on appeal (see *In re Waltreus* (1965) 62 Cal.2d 218, 225): Claim IIB to the extent that it incorporates by reference the contention in the opening brief that the prosecutor's challenge of two Black jurors violated the principles established by *Batson v. Kentucky* (1986) 476 U.S. 79, 89 and *People v. Wheeler* (1978) 22 Cal.3d 258, 276-277; and Claim IX to the extent it repeats contentions raised at the motion for new trial and on appeal.

Claim IV is denied as moot.

All claims are denied on the merits for failure to state a prima facie case for relief.

S099616

CASH (RANDALL S.) ON H.C.
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on August 3, 2001, is denied.

Claims 1. E.; 3. C.; 5 (only as it relates to penalty phase); 6. B. and C.; 7, 8, 9, 10. B.-D.; 11. D.-K.; 13, 14, and 15 are denied as moot in light of our reversal of the sentence of death on direct appeal. (*People v. Cash* (2002) 28 Cal.4th 703.)

Each remaining claim and subclaim is denied on the merits for failure to state a prima facie case for relief.

Claim 11. C. is barred because it was raised and rejected on appeal. (See *In re Harris* (1993) 5 Cal.4th 813, 825; *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

Claim 11. B. is barred because it could have been but was not raised on appeal. (See *In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

Justice Brown would deny the petition solely on the merits.

S118321

B168853 Second Appellate District,
Division Three

LISKER (BRUCE E.) ON H.C.
Petition for review denied

Kennard, J., and Werdegar, J., are of the opinion the petition should be granted.

S118366

B157019 Second Appellate District,
Division Eight

KUNERT v. MISSION FINANCIAL SERVICES
Petition for review & depublication request denied

Kennard, J., is of the opinion the petition should be granted.

S118397

D040622 Fourth Appellate District,
Division One

PEOPLE v. HENDERSON
Petition for review denied

S118490

E031802 Fourth Appellate District,
Division Two

RALPH'S GROCERY v. DEPARTMENT OF FOOD &
Petition for review & depublication request denied

S118606

B169210 Second Appellate District,
Division One

BROWN v. S.C. (PEOPLE)
Petition for review denied

Kennard, J., and Moreno, J., are of the opinion
the petition should be granted.

S118627

A099284 First Appellate District,
Division Five

PEOPLE v. WILLIAMS (DARRELL)
Petition for review denied

S118628

A101013 First Appellate District,
Division Five

WILLIAMS (DARRELL) ON H.C.
Petition for review denied

S118680

B160174 Second Appellate District,
Division Four

HANJIN INTERNATIONAL v. L.A. COUNTY
METRO. TRANSPORTATION AUTHORIT
Petition for review denied

S118709

A095924 First Appellate District,
Division Five

PEOPLE v. WASHINGTON
Petition for review denied

S118722

D038155 Fourth Appellate District,
Division One

PEOPLE v. LOWE
Petition for review denied

S118793

B151340 Second Appellate District,
Division Seven

NATIONAL TECHNICAL SYSTEMS v. HARTFORD
FIRE INSURANCE COMPANY
Petition for review & publication request denied

S118799

A097072 First Appellate District,
A097454 Division Five
A097387

SHEA HOMES LIMITED PARTNERSHIP v.
COUNTY OF ALAMEDA
Petition for review & depublication request denied

S118812

B167612 Second Appellate District,
Division Eight

AKHTAR v. WCAB (ALAMO RENT A CAR)
Petition for review denied

S118813

A097684 First Appellate District,
A102736 Division Three

PEOPLE v. CUYUGAN

Petition for review & publication request denied

S118829

B165021 Second Appellate District,
B160444 Division Five

MUFFULETTO (JOHN V.) ON H.C.

Petition for review denied

S118834

B160444 Second Appellate District,
B165021 Division Five

PEOPLE v. MUFFULETTO

Petition for review denied

S118842

H023405 Sixth Appellate District

PEOPLE v. INIGUEZ

Petition for review denied

S118845

A094419 First Appellate District,
Division Three

PEOPLE v. MOEVAO

Petition for review denied

S118853

A099722 First Appellate District,
Division Two

HARNEDY v. WHITTY

Petition for review denied

S118874

B166721 Second Appellate District,
Division Two

BAGRATION v. S.C. (PEOPLE)

Petition for review denied

S118883

D039163 Fourth Appellate District,
Division One

HOGAR v. COMMUNITY DEVELOPMENT
COMMISSION, CITY OF ESCONDIDO

Petition for review & publication request denied

S118911

B164267 Second Appellate District,
Division Four

PEOPLE v. BELL

Petition for review denied

S118944

C041656 Third Appellate District

PEOPLE v. LATHAM

Petition for review denied

S118973

C041893 Third Appellate District

CARBONEAU v. STATE OF CALIFORNIA

Petition for review and publication requests denied

S118990E032713 Fourth Appellate District,
Division TwoMOUNTAINS COMMUNITY HOSPITAL DISTRICT
v. S.C (HMC GROUP)

Petition for review denied

S119028G032766 Fourth Appellate District,
Division Three

UNITED EDUCATION INSTITUTE v. S.C. (CRUZ)

Petition for review denied

Baxter, J., and Moreno, J., are of the opinion
the petition should be granted.

S119033B160778 Second Appellate District,
Division Eight

PEOPLE v. ORNELAS

Petition for review denied

S119083E032501 Fourth Appellate District,
Division Two

PEOPLE v. LESTER

Petition for review denied

S119102B166963 Second Appellate District,
Division Eight

PEOPLE v. S.C. (VASQUEZ)

Petition for review denied

The Reporter of Decisions is directed not to
publish in the Official Appellate Reports the
opinion in the above entitled appeal filed August
15, 2003, which appears at 111 Cal.App.4th
407. (Cal. Const., art. VI, section 14; rule 976,
Cal. Rules of Court.)

S119121B163975 Second Appellate District,
Division Two

EELLS v. ZELNER

Petition for review denied

S119123

C040176 Third Appellate District

PEOPLE v. MALDONADO

Petition for review denied

S119134

A101368 First Appellate District,
Division Four

PEOPLE v. TITUS

Petition for review denied

S119153

D040222 Fourth Appellate District,
Division One

HECKERS v. DEPT. OF MOTOR VEHICLES

Petition for review denied

S119161

F041151 Fifth Appellate District

G. (KELLY), IN RE

Petition for review denied

Baxter, J., was recused and did not participate.

S119164

F042355 Fifth Appellate District

F. (BOBBIE), IN RE

Petition for review denied

S119170

B162648 Second Appellate District,
Division Five

PEOPLE v. HADDAD

Petition for review denied

S119175

A101460 First Appellate District,
Division Four

PEOPLE v. FELDER

Petition for review denied

S119178

B158338 Second Appellate District,
Division Five

PEOPLE v. STERN

Petition for review denied

Kennard, J., is of the opinion the petition should
be granted.

S119184

F042060 Fifth Appellate District

PEOPLE v. KEAVENY

Petition for review denied

S119191

B157186 Second Appellate District,
Division Three

PEOPLE v. BELTRAN

Petition for review denied

S119193

D039499 Fourth Appellate District,
Division One

PEOPLE v. VILLATORO

Petition for review denied

S119195

H024299 Sixth Appellate District

PEOPLE v. SANCHEZ

Petition for review denied

S119204

E032866 Fourth Appellate District,
Division Two

PEOPLE v. MAQUINALES

Petition for review denied

S119207

B158285 Second Appellate District,
Division Three

PEOPLE v. WILLIAMS

Petition for review denied

S119210

B154196 Second Appellate District,
B144474 Division One
B129259
B129259

MORROW, ETC. v. AIG CLAIM SERVICES INC.

Petition for review denied

S119211

A098573 First Appellate District,
Division Five

PEOPLE v. NOCHE

Petition for review denied

S119212

D041146 Fourth Appellate District,
D041740 Division One

CALIFORNIA MARITIME ACADEMY v. ADAMS

Petition for review denied

S119213

C042524 Third Appellate District

PEOPLE v. WHEAT

Petition for review denied

S119215

E031945 Fourth Appellate District,
Division Two

PEOPLE v. CABRAL

Petition for review denied

S119217

B159460 Second Appellate District,
Division Five

PEOPLE v. OLIVARES
Petition for review denied

S119220

B168741 Second Appellate District,
Division One

HISTON (LARRY) ON H.C.
Petition for review denied

S119223

E032865 Fourth Appellate District,
Division Two

PEOPLE v. DODD
Petition for review denied

S119224

B160005 Second Appellate District,
Division Five

PEOPLE v. LEWIS
Petition for review denied

S119229

H024673 Sixth Appellate District

PEOPLE v. OLIVEIRA
Petition for review denied

S119231

B158874 Second Appellate District,
Division Four

PEOPLE v. GAMBLIN
Petition for review denied

S119238

C041635 Third Appellate District

PEOPLE v. GRAVES
Petition for review denied

S119243

C038936 Third Appellate District

PEOPLE v. CARRASCO
Petition for review denied

S119244

B118552 Second Appellate District,
Division Seven

PEOPLE v. HOWARD
Petition for review denied

S119245

B164153 Second Appellate District,
Division One

ALAN v. S.C. (UBS PAINWEBBER)
Petition for review & depublication request denied

George, C.J., and Baxter, J., were recused and
did not participate.

S119246

F041059 Fifth Appellate District

PEOPLE v. LYNCH

Petition for review denied

S119250B156851 Second Appellate District,
Division Three

PEOPLE v. SANDOVAL

Petition for review denied

S119254B169814 Second Appellate District,
Division Two

RODRIGUEZ (LUIS) ON H.C.

Petition for review denied

S119258A101562 First Appellate District,
Division One

F. (RAYMOND) ON H. C.

Petition for review denied

S119260A100300 First Appellate District,
Division One

F., (HYACINTH), IN RE

Petition for review denied

S119265A100814 First Appellate District,
Division One

PEOPLE v. GASKINS

Petition for review denied

S119268

C041753 Third Appellate District

PEOPLE v. MILES

Petition for review denied

S119269B160373 Second Appellate District,
Division Eight

PEOPLE v. COLLINS

Petition for review denied

S119275

C042197 Third Appellate District

PEOPLE v. BILLS

Petition for review denied

S119277

C041908 Third Appellate District

PEOPLE v. THOMASON

Petition for review denied

S119278

B163636 Second Appellate District,
Division Three

A. (OMAR), IN RE

Petition for review denied

S119292

G032804 Fourth Appellate District,
Division Three

FANELLI v. S.C. (PEOPLE)

Petition for review denied

S119295

C039332 Third Appellate District

PEOPLE v. GALLON

Petition for review denied

S119299

B161897 Second Appellate District,
Division Three

PEOPLE v. TURNER

Petition for review denied

S119302

C041267 Third Appellate District

PEOPLE v. LO

Petition for review denied

S119305

A099125 First Appellate District,
Division Two

PEOPLE v. ALFONSO

Petition for review denied

S119311

B158438 Second Appellate District,
Division Four

PEOPLE v. PASCASCIO

Petition for review denied

S119313

H023837 Sixth Appellate District

PEOPLE v. MARINAS

Petition for review denied

S119315

B167772 Second Appellate District,
Division One

GELRUTH v. S.C. (KAUFMAN)

Petition for review denied

S119321

B169137 Second Appellate District,
Division Four

SERRANO (HENRY) ON H.C.

Petition for review denied

S119327

B162306 Second Appellate District,
Division Five

PEOPLE v. DAVIS

Petition for review denied

S119332

E032631 Fourth Appellate District,
Division Two

PAQUET v. WELLS FARGO BANK

Petition for review denied

Baxter, J., was recused and did not participate.

S119335

B156633 Second Appellate District,
Division Three

PEOPLE v. KHODANIAN

Petition for review denied

S119340

F043380 Fifth Appellate District

YOUNG v. S.C. (PEOPLE)

Petition for review denied

S119352

C040922 Third Appellate District

PEOPLE v. FRANKLIN

Petition for review denied

S119549

F043441 Fifth Appellate District

YOUNG v. S.C. (PEOPLE)

Petition for review and application for stay denied

S119635

B170168 Second Appellate District,
Division Eight

ZIFFREN v. S.C. (ZIFFREN)

Petition for review and application for stay denied

Request for judicial notice denied.

S119651

A103982 First Appellate District,
Division Four

D. (EDGAR) v. S.C. (PEOPLE)

Petition for review and application for stay denied

S119998

C045036 Third Appellate District

JONES (RAY) ON H.C.

Petition for review and application for stay denied

S107194

McCLARY (LORRIE SUE) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

Brown, J., was recused and did not participate.

S112958

OLIVAS (JESSE) ON H.C.
Petition for writ of habeas corpus denied

S114128

FIELDS (KEVIN E.) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S114165

WILLIAMS (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

S114168

WALKER (WALTER) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

S114316

VASQUEZ (RICARDO) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S114326

HILL (ANTONIO D.) ON H.C.
Petition for writ of habeas corpus denied

S114354

WALKER (WALTER) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S114390

SMITH (DONALD CRAIG) ON H.C.
Petition for writ of habeas corpus denied

S114393

DEY (EUGENE ALEXANDER) ON H.C.
Petition for writ of habeas corpus denied with citation(s)

S114412

GONZALEZ (JAVIER) ON H.C.
Petition for writ of habeas corpus denied

S114414

ESTRADA (PEDRO S.) ON H.C.
Petition for writ of habeas corpus denied

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| S114415 | STEWART (JAREY) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S114434 | MORENO (FELIPE M.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S114435 | VIGIL (WILLIAM M.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S114436 | MCCURDY (JOHN SCOTT) ON H.C. Petition for writ of habeas corpus denied |
| S114441 | WALTON (LARRY) ON H.C. Petition for writ of habeas corpus denied |
| S115594 | HILL (ANTONIO D.) ON H.C. Petition for writ of habeas corpus denied |
| S119297 | FANELLI (MICHAEL ALFRED) ON H.C. Petition for writ of habeas corpus denied |
| S119499 | WILLIAMS (SHON O.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S119500 | WILLIAMS (SHON O.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S119501 | WILLIAMS (SHON O.) ON H.C. Petition for writ of habeas corpus denied with citation(s) |
| S118183 B158364 Second Appellate District, Division Three | CLAY v. ROSSON Publication request denied (case closed) |
| S118733 D039324 Fourth Appellate District, Division One | DEL MAR SANDY LANE v. SAN DIEGUITO RIVER Publication request denied (case closed) |

S119096

B159258 Second Appellate District,
Division Three

ATKINS v. DEPARTMENT OF WATER
Publication request denied (case closed)

S119205

G030481 Fourth Appellate District,
Division Three

GARAMENDI v. CFG INCORPORATED
Publication request denied (case closed)

S119318

A097480 First Appellate District,
Division Four

SHADDOX v. BERTANI
Depublication request denied (case closed)

S119520

H025202 Sixth Appellate District

R. (COREY), IN RE
Publication request denied (case closed)

S119523

G029343 Fourth Appellate District,
Division Three

ADAMS v. PACIFIC BELL DIRECTORY
Depublication request denied (case closed)

S119527

A102525 First Appellate District,
Division One

FAGAN v. S.C. (PEOPLE)
Depublication request denied (case closed)

S004439

PEOPLE v. SANDERS (RONALD LEE)
Withdrawal of counsel allowed by order

Good cause appearing, the application of Eric E. Jorstad, appointed associate counsel *pro hac vice* (see Cal. Rules of Court, rule 983) for appointment as lead counsel for condemned inmate Ronald Lee Sanders, in place of counsel *pro hac vice* Robert L. Collins (now deceased), filed October 16, 2003, is granted.

The order appointing Robert L. Collins of the State of Minnesota as lead counsel *pro hac vice* for condemned inmate Ronald Lee Sanders, filed June 15, 1994, is hereby vacated.

Appointed associate counsel *pro hac vice* Eric E. Jorstad of the State of Minnesota is hereby appointed as lead counsel for condemned

inmate Ronald Lee Sanders. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

Mary Cullen Yeager of the State of Minnesota and California Bar member Nina Rivkind shall remain as appointed associate counsel for condemned inmate Ronald Lee Sanders

S012644**PEOPLE v. MEDINA (TEOFILO)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for condemned prisoner Teofilo Medina, Jr., filed October 6, 2003, is granted.

The order appointing the State Public Defender as counsel of record for condemned prisoner Teofilo Medina, Jr., filed June 26, 1991, is hereby vacated.

Robert B. Amidon is hereby appointed as attorney of record for condemned prisoner Teofilo Medina, Jr. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S024416**PEOPLE v. CLEVELAND AND VEASLEY**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed associate counsel for permission to withdraw as attorney of record for appellant Chauncey Jamal Veasley, filed October 14, 2003, is granted.

The order appointing Jill M. Bojarski as associate counsel of record for appellant

Chauncey Jamal Veasley, filed April 28, is hereby vacated.

David J. Macher shall remain as counsel of record for appellant Chauncey Jamal Veasley on his direct appeal and related state habeas corpus/executive clemency proceedings.

S072082

MILLWEE (DONALD RAY) ON H.C.
Motion denied

Petitioner's "Motion to Amend Habeas Petition," filed November 22, 2000, is denied.

The following documents, which were received November 22, 2000, are ordered to be filed nunc pro tunc on November 22, 2000, as a new original petition for writ of habeas corpus: (1) "Amended Petition for Writ of Habeas Corpus," and (2) "Exhibits to Amended Petition for Writ of Habeas Corpus," Volumes One through Seven.

The document entitled "Supplemental Exhibits to Amended Petition for Writ of Habeas Corpus," received May 10, 2001, is ordered to be filed nunc pro tunc on May 10, 2001, as a supplemental exhibit to the petition for writ of habeas corpus filed on November 22, 2000.

The clerk is further directed to strike from the docket the document entitled "Second Supplemental Exhibits to Amended Petition for Writ of Habeas Corpus," filed on November 1, 2001, and to refile the document nunc pro tunc on November 1, 2001, as a supplemental exhibit to the petition for writ of habeas corpus filed on November 22, 2000.

S112816

G027714 Fourth Appellate District,
G027834 Division Three

VEDANTA SOCIETY v. CALIFORNIA QUARTET
Motion denied

'Respondents' Joint Notice of Motion and Motion to Strike Portions of Appellant's Opening Brief,' filed in this court on October 1, 2003, is denied. The parties are directed to brief and argue only the issue specified in this court's order granting review, filed on February 25, 2003.

S098158

D035995 Fourth Appellate District,

L. (JOHN D.) v. S.C. (PEOPLE)

Supplemental letter brief requested

The parties are requested to submit supplemental briefs limited to the following questions:

1. As a matter of statutory construction, do the amendments made by the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2002)) to Welfare and Institutions Code section 777 apply to all proceedings conducted under section 777 after the effective date of the amendments, regardless of the date on which the criminal or other conduct that underlies the proceedings took place?

2. What is the effect, if any, of In re Eddie M. (2003) 31 Cal.4th 480 on petitioners' argument that, as applied to them, the amendments to section 777 involve increased "punishment" for a crime/crimes committed prior to the effective date of the amendments, in violation of the ex post facto clause of the United States Constitution? (See U.S. Const., art. I, § 9, cl. 3.)

Simultaneous briefs, in letter form, shall be filed on or before November 10, 2003.

Simultaneous reply briefs, also in letter form, shall be filed on or before November 20, 2003.

S098928B142625 Second Appellate District,
Division Three

ALVA (LEON C.) ON H.C.

Supplemental letter brief requested

Petitioner Alva is requested to file a response to the supplemental brief filed by respondent, the People, on March 13, 2003, and limited to addressing the effect, if any, of *Smith v. Doe* (2003) ___ U.S. ___ [123 S.Ct. 1140] on the issues presented by this case. The brief may be in letter form, and shall be filed on or before November 10, 2003.

S099120
B144386 Second Appellate District,
Division Two

S. (WALTER), IN RE
Supplemental letter brief requested

The parties are requested to submit supplemental briefs limited to addressing the effect, if any, of *Smith v. Doe* (2003) ___ U.S. ___ [123 S.Ct. 1140] on the issues presented by this case. Simultaneous briefs, in letter form, shall be filed on or before November 10, 2003. Simultaneous reply briefs, also in letter form, shall be filed on or before November 20, 2003.

S117651
B150342 Second Appellate District,
Division Three

PEOPLE v. HERNANDEZ ET AL.
Order filed

Appellant Jose Pablo Hernandez is granted permission to brief both issues pending before this court.

S023628

PEOPLE v. SAPP
Court's 150 day statement

